

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6619

BILL NUMBER: HB 1173

NOTE PREPARED: Dec 29, 2011

BILL AMENDED:

SUBJECT: Various IOSHA Matters.

FIRST AUTHOR: Rep. Ellspermann

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill provides that when an employee believes that a workplace violation of safety or health standards exists, the name of the complainant and any identifying information and the name and identifying information of other individual employees may be nondisclosable and confidential for purposes of public records law. It provides that neither the commissioner of the Department of Labor (Department) nor any employee or former employee of the Department is subject to subpoena for purposes of inquiry into any occupational safety and health inspection, except in enforcement proceedings brought under the Indiana Occupational Safety and Health Act.

The bill also provides that the annual tax imposed to finance the safety and health consultation services for the INsafe division of the Department is due and payable on or before May 1 of each year when the tax is imposed. (Current law provides that the tax is due and payable on or before April 10 of each year when the tax is imposed.) The bill makes technical corrections.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues: *Tax Due Date:* Changing the date when taxes are due which help finance the INsafe division of the Department would only slightly shift when funds are collected and would not alter the total amounts collected.

Penalty Provision: Individuals disclosing information made confidential under this bill could be committing a Class A or Class B misdemeanor. If additional court cases occur and fines are collected, revenue to both

the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000 and for a Class B misdemeanor is \$1,000. However, any additional revenue would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail. A Class B misdemeanor is punishable by up to 180 days in jail.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: All, Department of Labor.

Local Agencies Affected: All, Trial courts, Local law enforcement agencies.

Information Sources:

Fiscal Analyst: Camille Tesch, 317-232-9866.